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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,243	04/02/2004	Christian A. Hille	10543-072	3025
40878	7590	07/26/2007		
CONTINENTAL TEVES INC. C/O BRINKS HOFER GILSON & LIONE P. O. BOX 10395 CHICAGO, IL 60610			EXAMINER BEAULIEU, YONEL	
			ART UNIT	PAPER NUMBER
			3661	
			MAIL DATE	DELIVERY MODE
			07/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/817,243

Applicant(s)

HILLE ET AL.

Examiner

/Yonel Beaulieu/

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 is/are allowed.
- 6) ☒ Claim(s) 1,8-10 and 12 is/are rejected.
- 7) ☒ Claim(s) 2-7,11,13,14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

***Response to Arguments***

Applicant's arguments filed 4/26/2007 have been fully considered but they are not persuasive.

Applicants argue the reference of record, Brown ('012), fails to teach, with regard to claims 1 and 12, condition of the vehicle based on a *change rate of a steering angle*. The Examiner respectfully disagrees. Considered as a whole, support for such a teaching can be found in at least figure 11 and col. 7, lines 46 – 53 and 58 – 67 at least.

In view of the above, claims 1 – 14 are still rejected over the reference of record.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8 – 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,338,012 B2 to Brown et al ("Brown").

Regarding claims 1 and 12, Brown teaches a method for protecting against rollover in a vehicle comprising the steps of: sensing a lateral acceleration (by way of item 32; col. 3, lines 14/15; summary); sensing a vehicle speed (by way of item 30; col.

3, line 13; summary); sensing a change rate of the steering angle (by way of item 35; summary); determining a rollover tendency (by way of items 34/37) of the vehicle based on the lateral acceleration, vehicle speed, and detected/determined change rate of the steering angle (col. 3, lines 25 – 48; note also figure 11 and col. 7, lines 46 – 53 and 58 – 67 at least); comparing the critical change rate to the detected change rate of the steering angle to determine a rollover tendency (col. 1, lines 20- 34); and reducing the rollover tendency of the vehicle (col. 3, lines 3 – 11 at least).

Regarding claims 8 and 10, Brown further teaches wherein the step of reducing the rollover tendency includes the steps of generating a correction signal having a variable strength and indicative of rollover tendency and sending the correction signal to an actuator for reducing the rollover moment of the vehicle (col. 3, lines 3 – 10 and col. 8, lines 1 – 8 at least).

Regarding claim 9, Brown further teaches the actuator being a steer-by-wire system, and wherein the steer-by-wire system reduces driver input so the input never exceeds a critical change rate of the steering angle (col. 3, lines 48 – 54 and col. 7, lines 58 – 67).

***Allowable Subject Matter***

Claims 2 – 7, 11, 13, and 14 are still objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15 – 20 are still allowed.

The prior art of record fail to teach an active rollover protection system for a vehicle comprising, among other limitations, a database having critical change rate values corresponding to specific combinations of lateral acceleration and vehicle speed and a controller that receives a first, a second, and a third signals, wherein the controller determines the critical change rate value corresponding to the first and second signals, and compares the critical change rate value with the third signal to determine a rollover tendency, the controller sending a signal – the first, the second, and the third signals being a lateral acceleration signal, a vehicle speed signal, and a rate change steering angle signal, respectively.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on Mon., Wed. & Thur. between 0900 and 1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yonel Beaulieu/  
Yonel Beaulieu  
Primary Examiner  
Art Unit 3661